

## **REMARKS**

Claims 13, 14, 109 and 110 are presently pending in the application. Claim 109 has been amended to no longer recite the first through fifth compounds listed in the claim. No new matter has been added.

Applicants reserve their right to prosecute the subject matter of any canceled or amended claim or any other unclaimed subject matter in one or more divisional, continuation or continuation-in-part applications.

### **I. The Rejection of Claim 109 Under 35 U.S.C. §102(b) over Bücheler *et al.***

Claim 109 has been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 2,733,976 to Bücheler *et al.* ("Bücheler"). In particular, the Examiner has pointed to CAS Abstract RN 6313-41-3.

Applicants respectfully submit that neither the compound of CAS Abstract RN 6313-41-3 nor any compound of Bücheler anticipate amended claim 109 or any of pending claims 13, 14 or 110.

The compound of CAS Abstract RN 6313-41-3 is an unsubstituted isothiazolanthrone. None of amended claim 109 or claims 13, 14 or 110 encompass an unsubstituted isothiazolanthrone. Accordingly, CAS Abstract RN 6313-41-3 does not anticipate any of amended claim 109 or claims 13, 14 or 110.

Bücheler relates to isothiazolanthrone compounds useful as dyestuffs that must be substituted at the 7-position with a group represented by the formula -NH-C(O)R, wherein R is a sulfonated alkyl group (*see*, Bücheler column 1, lines 47-57). None of pending claims 13, 14, 109 or 110 recite such compounds.

Claim 109 does not recite any compound substituted at the 7-position with a group of the formula -NH-C(O)R, wherein R is a sulfonated alkyl group.

Claim 13 (and claim 14 which depends from claim 13) does not recite a compound substituted at the 7-position with a group of the formula -NH-C(O)R, wherein R is a sulfonated alkyl group. In particular, claim 13 recites the proviso that if the compound is monosubstituted and has a first substituent at the 5 or 7 position, then the first substituent is a group represented by the formula (e) or (f). Neither (e) nor (f) is a group of the formula -NH-C(O)R, wherein R is a sulfonated alkyl group.

Claim 110 recites compounds substituted at the 7-position with a triazine-substituted amino group.

Accordingly, in view of the above arguments and amendment, Applicants believe that the rejection of claim 109 under 35 U.S.C. §102(b) as allegedly being anticipated by Bücheler has been overcome and must be withdrawn.

## **II. Status of Claims**

Claims 13, 14, 109 and 110 are pending. The Examiner has indicated that claims 13, 14, 109 (in part) and 110 have been withdrawn from further consideration as being drawn to a non-elected invention.

As discussed above, Applicants believe that amended claim 109 is patentable over the art of record. Accordingly, Applicants respectfully request that the subject matter of claims 13, 14, 109 (in part) and 110 (*i.e.*, that of Group III as elected in response to the Restriction Requirement mailed April 21, 2004 in connection with the above-identified application) be rejoined and examined on the merits.

## **III. Conclusion**

No fee is believed to be due in connection with this response; however, should the Patent Office determine that any additional fee be required, Applicant hereby authorizes that such fee be charged to Jones Day Deposit Account No. 50-3013.

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Respectfully submitted,  
*Anthony M. Insogna, Reg. No. 35,203*  
By: *Michael D. Bruner, Reg. No. 47,458 35,203*  
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Anthony M. Insogna (Reg. No.)  
**JONES DAY**  
222 East 41st Street  
New York, New York 10017  
(858)-314-1130